

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRUCE MILES BENTON,

Plaintiff,

v.

CLINGMAN, *et al.*,

Defendants.

Case No. 2:22-cv-02275-JDP (PC)

ORDER

DIRECTING THE CLERK OF COURT TO
ASSIGN A DISTRICT JUDGE TO THIS
MATTER

FINDINGS AND RECOMMENDATIONS

THAT THIS MATTER BE DISMISSED FOR
FAILURE TO PROSECUTE AND COMPLY
WITH COURT ORDERS

OBJECTIONS DUE WITHIN FOURTEEN
DAYS

On December 1, 2023, I screened plaintiff's amended complaint and notified him that only some his claims were cognizable. ECF No. 29. I granted him thirty days to file either an amended complaint or an advisement indicating his intent to proceed only with the identified cognizable claims. Plaintiff did not file an amended complaint.

Accordingly, on January 24, 2024, I ordered him to show cause within twenty-one days why this action should not be dismissed. ECF No. 30. I notified him that if he wished to continue with this action he must file, within twenty-one days, an amended complaint or advisement of his intent to proceed with the cognizable claims. I also warned him that failure to comply with the order would result in a recommendation that this action be dismissed. *Id.*

1 The deadline has passed, and plaintiff has not filed an amended complaint or otherwise
2 responded to the January 24, 2024 order.

3 Accordingly, it is hereby ORDERED that the Clerk of Court shall randomly assign a
4 United States District Judge to this case.

5 Accordingly, it is hereby RECOMMENDED that:

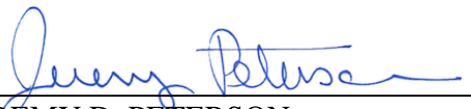
6 1. This action be dismissed without prejudice for failure to prosecute and failure to
7 comply with court orders, for the reasons set forth in the January 24, 2024 order.

8 2. The Clerk of Court be directed to close the case.

9 These findings and recommendations are submitted to the United States District Judge
10 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
11 after being served with these findings and recommendations, any party may file written
12 objections with the court and serve a copy on all parties. Such a document should be captioned
13 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the
14 objections shall be served and filed within fourteen days after service of the objections. The
15 parties are advised that failure to file objections within the specified time may waive the right to
16 appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
17 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

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20 IT IS SO ORDERED.

21 Dated: March 6, 2024

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23 JEREMY D. PETERSON
24 UNITED STATES MAGISTRATE JUDGE
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